

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

DOUGLAS PRADE, )  
                        )  
Plaintiff,           ) Case No. 5:14CV0188  
                        )  
v.                     )  
                        )  
THE CITY OF AKRON, et al., ) Judge Lioi  
                        )  
Defendants.          )

**PLAINTIFF'S RESPONSE TO DEFENDANT LEVINE'S MOTION**

NOW COMES Plaintiff, DOUGLAS PRADE, by his attorneys LOEVY & LOEVY, and respectfully files this Response to Defendant Levine's motion. *See* Dkt. No. 58. In Response, Plaintiff states as follows:

1. On February 9, 2015 Defendant Levine filed a Fed. R. Civ. P. 12(C) motion for judgment on the pleadings. Defendant Levine's motion for judgment on the pleadings relies upon a number of alleged defects. *See* Dkt. No. 58. Because of this, Defendant Levine argues that he is entitled to a judgment on the pleadings.
2. On May 8, 2015, this Court issued an order concluding that defendant's motion for judgment on the pleadings can properly be converted to a Rule 12(B)(6) motion to dismiss. *See* Dkt. No. 71. This Court further ordered that Plaintiff file a Response to Defendant Levine's motion to dismiss by May 8, 2015. *Id.*
3. Without conceding the merits of the motion, Plaintiff respectfully asks this Court to hold Defendant Levine's motion to dismiss as moot as a result of Plaintiff's immediately forthcoming Rule 41(a)(2) motion for voluntary dismissal of all claims without prejudice.

RESPECTFULLY SUBMITTED,

**DOUGLAS PRADE.**

BY: /s/ Elliot Slosar  
*One of Plaintiff's Attorneys*

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**CERTIFICATE OF SERVICE**

I, Elliot Slosar, an attorney, hereby certify that on May 8, 2015, I filed the foregoing Response to Defendant Levine's motion using the Court's CM/ECF system, which effected service on all counsel of record listed below.

/s/ Elliot Slosar  
*One of Plaintiff's Attorneys*